

WEATHER—SNOW; HIGH WINDS.

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10 PAGES

The

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MILL-GIRL'S MURDERERS AWAIT SENTENCE.

KERR
CONFESSED.
M'ALISTER
CAMPBELL
DEATH
CONVICTED.

ALL ARE GUILTY!

ANNA GOULD MUST LIVE
ON ONLY \$200,000 A YEAR.

Justice Beach Uses Harsh
Words Regarding the
Failure of the Castel-
lanes to Pay for Pur-
chased Effects After
Off-Repeated Demands
by the Bric-a-Brac
Man.

Anna Gould, Countess de Castellane, the Count de Castellane and the little Countess must all live on \$200,000 a year pending the issue of the suit of the horrid bric-a-brac man who has sued to recover \$277,000 for articles of bijouterie and vertu sold to the Count and Countess.

Justice Beach in the Supreme Court today rendered a decision ordering the temporary injunction restraining George Gould and the other executors of Jay Gould's will from paying over the full income of \$200,000 a year to the Countess be made permanent. Thus the \$200,000 estate of the Countess is practically tied up and the bric-a-brac man has scored a victory.

In this decision the Justice took occasion to make some remarks about the undependability of allowing a man to have an income to be extravagant upon but not for paying his debts. Responsibility goes with wealth, the Court held, and as the bric-a-brac man couldn't get personal service on the Count or Countess here, it was only fair that he request that the income be tied up for him.

The request that the allowance be made only \$200,000 was not allowed, just double that amount being given.

The injunction was asked for by Anton J. Dittmar, as assignee of Asher Westheimer, of London, who sold the Castellanes the rich antiques and bric-a-brac for their Paris home.

Justice Beach in his decision says: "The objection to the jurisdiction of the court is not well taken. * * * It is apparent from the motion papers that



ANNA GOULD.

HARSH WORDS FOR THE CASTELLANES.

"The plaintiff holds numbers of their (Castellanes) unpaid and off-renewed bills of exchange. The assignor has failed to get even a return thereof after repeated demands. Unless the injunction and action are upheld the plaintiff, despoiled of its property, will be remediless, with nothing left but the broken promises and the commercial dishonor of their debtors."—JUSTICE BEACH'S DECISION.

It is impossible for the plaintiff to obtain judgment against the principal debtors by personal service of process by reason of non-residence, and consequently the allowance and return of execution is equally without his power. "For the same reason the plaintiff is

Court Restrains Payment of Full Income to the Castellanes Until Bric-a-Brac Man's Suit Is Tried—Declares Responsibilities Go with Wealth.

powerless to levy an execution. Under these circumstances there is no tenable reason for limiting the jurisdiction of this court by the absence of the requirements specified in section 1371, Code of Civil Procedure.

"I find no distinction, as argued by defendant's counsel, between actions where a court of equity has original or inherent jurisdiction and other actions. The fifth clause of the first codicil in the will of Jay Gould provides that the income from the trust fund shall not be liable in the hands of the Trustees for any debt or liability of such beneficiary.

"This declaration has no protective power in this State, although in some others it has been held effective. * * * The real ground upon which such estates have been held alienable and liable for debts is that inalienable rights of property are opposed to the fundamental principles of law, and that it is against public policy that a man should have an estate to live on, but not an estate to pay his debts with; should have the benefits of wealth without the responsibilities of it.

"The plaintiff holds numbers of their unpaid and off-renewed bills of exchange. The assignor has failed to get even a return thereof after repeated demands. Unless the injunction and action are upheld the plaintiff, despoiled of its property, will be remediless, with nothing left but the broken promises and the commercial dishonor of their debtors.

THIEF BLINDS
HER WITH PEPPER

Smothers Mrs. Begly
Under Bed Clothes
and Escapes.

Mrs. Minerva Begly, the janitress of a five-story apartment-house at 70 Midge street, Brooklyn, had an experience in her apartments in the basement of the house to-day with a burly robber. It almost deprived her of the use of her eyes and cost her \$72.50.

The man, whom she describes as tall and heavily built and wearing a dark blue overcoat, entered by the front door while she was answering the bell in the basement.

He seized her and throwing her behind a heavy folding bed, piled the bedclothes upon her head. Then he emptied a small satchel containing \$70 in rents, which she had collected, and took \$2.50 from her private purse.

Mrs. Begly finally extricated herself and ran to the air-shaft window looking out and saw the robber throw an open pepper box at her. The pepper scattered as it struck and filled her eyes. Her screams summoned aid from the apartments above, but the man escaped before help arrived.

BOY ARRESTED;
TWELFTH TIME.

Magistrate Pool Held
Tiny Criminal for
Theft.

Although only fourteen years of age, Moses Pursuer, of 18 Forsyth street, was to-day arrested for the twelfth time on a charge of stealing \$1 worth of brooms from the store of James B. Barron, of 16 Duane street.

Young Pursuer is so small and childish in appearance that he has always been let go with a warning never to steal again. On each occasion he has walked meekly out of court as if he did not realize that he had been arrested.

To-day, however, it was different. An agent for the Gerry Society warned Magistrate Pool that Pursuer was a chronic malfactor and seemingly incorrigible, and the Magistrate, after securing the diminutive prisoner, held him in \$200 bail for trial on a charge of petit larceny.

BADGER CAME
PROVES COSTLY

Emma Gleason May Serve
Ten Years for
Robbery.

Emma Gleason, better known as Emma McCarty, was to-day found guilty of working the badger game and remanded for sentence by Judge Newburger in General Sessions. She may be sentenced to ten years' imprisonment for grand larceny.

The offense was committed on the night of Nov. 21, when she met Charles Garey, a Chinaman millionaire. When he accompanied her to her flat, 229 West Thirty-ninth street, Garey had \$2,000 in jewelry and \$300 in cash. Her "husband," Tommy McCarty, helped her, and she charged Garey to the street and when he returned with a policeman the flat was empty.

Subsequently the woman was arrested in Philadelphia and the men in Syracuse.

SEVEN KILLED IN CRASH OF
TRAINS ON THE B. AND O.

PARKERSBURG, W. Va., Jan. 28.—Two Baltimore and Ohio fast freight trains, sections 87 and 90, running east and west at high speed, collided this afternoon near Parkersburg, about fifteen miles east of here. The crash was so violent that at least seven men were killed outright and many others injured. A relief train was sent from Parkersburg at once to the wreck with doctors and models for the relief of the injured. So far only one body has been recovered, that of Elmer Casper, of this city. It is known that at least six others are under the wheels. Both trains were almost completely demolished by the terrific force of the collision, the cars being piled on top of each other and scattered along a stretch of way

HELD ON CHARGE OF BIGAMY.

Corneilus A. Sturlo, of 320 Lenox avenue, was held in \$1,000 bail by Magistrate Zellerbach in Harlem Court this afternoon on a charge of bigamy preferred by his wife Anna. She was married to him in 1881 in Cuba, and did not see him again until last week, when she located him in Harlem. He said he was married to Anna Van Behme last week, and was living with her three years.

RESULTS AT NEW ORLEANS.

FIFTH RACE—Thurley 1, Tully W. 2, Grayford 3.

OHIO'S GOVERNOR WOULD STOP FIGHT.

"Disgrace to State," He Says, and Orders
Suit to Be Brought.

(Special to The Evening World.)
COLUMBUS, O., Jan. 28.—Action was taken by Gov. Nash to-day to prevent the Jeffries-Rublin fight at Cincinnati on Feb. 15.

In a letter to Attorney-General Sheets the Governor declares the fight "would be a disgrace to the State of Ohio, as well as a violation of law," and concludes:

"I hereby authorize and request you to take such steps and commence such actions at law, civil or criminal, as may be necessary to prevent this occurrence, and in so doing to use the name of the State."

A petition is now being drawn up in this case which will be immediately filed in the courts at Cincinnati to-night. If the attorneys reach there in time, the suit will be entitled "The State ex rel. the Attorney-General versus J. Jeffries, Gus Rublin, William N. Hoar, George Guengerker, Leopold Keybolt, Bernard Foxman, George P. Dieterle, P. A. Lee, Fenton Lawson, R. B. A. Elsholt and thirty-one others, as associates in the management of the Cincinnati Sauerbeck Company."

While the case is nominally brought by the Attorney-General, he will have associated with him in the case, in addition to Messrs. Maxwell and Ward, former United States Attorney-General Judson Harmon and John W. Warrington.

The form of the suit will be a petition for an injunction against the parties named, based on the claim that they are about to perpetrate a public nuisance. It is on this claim of nuisance that it is hoped to avoid the question of whether the contest is a prize fight or a boxing contest.

Lawrence Maxwell, former Solicitor-General of the United States and now retained by Messrs. Maxwell and Ward, is to-day securing data from the Secretary of State regarding the Sauerbeck Company, under whose auspices the contest is being arranged. It is understood that a suit will be

HOWARD, GUILTY, GETS SENTENCE.

Electrician Who Married
Miss Hawkes, of Brooklyn,
While He Had a Wife in
Massachusetts, Will Serve
Two Years and Ten Months
in Sing Sing.

George W. Howard, who married Helen Hawkes, a Brooklyn society belle, last Summer, while he had a wife and child living in Cambridge, Mass., pleaded guilty to-day before Judge Hurd in the Kings County Court and was sentenced to two years and ten months' imprisonment.

Howard's action was not unexpected. Such was the mass of evidence collected against him by District Attorney Clarke, despite a bold attempt to intimidate witnesses, that Howard concluded that it would be hopeless to make a fight. Fourteen witnesses from Boston and Cambridge were on hand ready to testify to his marriage and life with Annie Kay Rooney, his first wife and mother of his nine-year-old son.

Old Mr. Hawkes in Court.

Just before Judge Hurd took his seat Henry Hawkes, the father of Helen Hawkes-Howard, came into the courtroom. He was smiling with satisfaction as he looked around the array of witnesses. There were about a dozen women in the court. They were spectators.

Stephen C. Baldwin, who with John Montgomery Ward represented Howard as counsel, held a consultation with District Attorney Clarke for several minutes and then the District Attorney called: "George Howard to the bar."

Lawyer Baldwin arose and Howard came into court and stood by his side. Mr. Baldwin said Howard would withdraw his plea of not guilty and plead guilty.

"He is a penitent man," said the lawyer. "He cannot understand how he came to enter into a marriage here, in Brooklyn, with Miss Hawkes."

Takes All Blame on Himself.

"He says that he can only believe that he was suffering from some mental trouble. He takes all of the blame upon himself, although he believes that the Brooklyn lady who married him knew or had some idea that he was not a single man."

"I may also say that his wife in Boston was in a measure to blame, as she made no protest or attempt to prevent the marriage. Howard, however, does

brought to prevent the corporation from exercising extra corporate purposes.

"CAN'T STOP CONTEST."

Attorney for Sauerbeck Ignores Order of the Governor.

CINCINNATI, O., Jan. 28.—The Sauerbeck legal adviser, Herman J. Witte, said this afternoon regarding the opposition move at Columbus: "They told us to go ahead. They are proceeding strictly under the law and we want them to show their hand."

"The contest cannot be prevented."

EAGER RUSH FOR SEATS.

(Special to The Evening World.)
CINCINNATI, Ohio, Jan. 28.—The sale of seats for the Jeffries-Rublin contest opened at 9 o'clock this morning at a Fourth street business house. At 10 o'clock Henry Strass, proprietor of the place, who has charge of the sale, said to The Evening World correspondent that nearly \$5,000 worth had been disposed of.

"This," he said, "in spite of the handicap of having the sale announced and then postponed three different times."

The proprietors of a Vine street restaurant got the first block of seats a



GEORGE W. HOWARD.

not attempt to shift responsibility for his actions upon any one else. He is willing to abide by the result. He simply asks that he be sentenced at once.

Judge Hurd hesitated a moment and said: "Howard, you have two days before sentence will be passed upon you. Won't Your Honor pass it now?" asked Lawyer Baldwin. "It is all my client asks."

Judge Hurd then passed sentence. He said that although Howard had bigamously married a Brooklyn girl and had brought sorrow to her and her family, he had, by pleading guilty, saved the county the cost of the trial, and that he had acted in a manly manner.

"In view of all the features of the case I sentence you to two years and ten months at hard labor in Sing Sing."

Howard seemed pleased.

Howard stroked his heavy dark mustache, his eyes glistened and his face assumed a pleased expression. He had not at any time showed the slightest evidences of nervousness, but seemed in a hurry to get away from the courtroom and begin his sentence.

Howard was taken back to Raymond street jail. As he passed out several persons spoke to him. One said: "You're a lucky man Howard, to get off so lightly."

Howard smiled but did not reply.

Mr. Hawkes left the court as soon as sentence was pronounced. He shook his head, and when asked what he had to say about the case, he said: "You're a lucky man Howard, to get off so lightly."

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Judge Dixon Bitterly
Denounces Atrocious
Crime and Is Sur-
prised at Jury's Mod-
eration.

"I AM HEART-BROKEN,
AND REPENT."—KERR.

In his cell in the Paterson prison George Kerr said to an Evening World reporter: "I pleaded guilty because I am heart-broken. I am the unfortunate victim of peculiar circumstances. I am technically guilty of the charge.

"But I swear before God I took no part in any outrage on the woman."

"I was advised by my brother, who is a lawyer; by my counsel and by my friends that the only thing to do was to plead guilty. I will go and suffer. But I can suffer no more than I have. I am penitent and I throw myself on the mercy of the Court."

(Special to The Evening World.)
PATTERSON, N. J., Jan. 28.

The dark drama of the Boscchiotti trial drew toward its close to-day with a fit climax.

GEORGE KERR PLEADED GUILTY. JUDGE DIXON SAID HE WOULD HAVE HANGED THE MEN.

Venerable, gray-haired Judge Dixon, overborne with zeal for justice, most unexpectedly revealed his desire that death be meted to the murderers.

Through all the days of tedious examining and cross-examining in the crowded courtroom this man, in the very centre of the scene, had listened calmly, impartially, as becomes a judge, to testimony that made the blood of the spectators boil with resentment.

He, as a man of pure life, respected, the father of carefully nurtured children, would be peculiarly susceptible to the horror of the loathsome crime that was unfolded before him.

At times he was moved to tears, but in words he gave no sign.

To-day the sentiment that he had concealed burst forth in these words:

"Had I been in that jury box my verdict would have been one that called for capital punishment."

A second surprise was sprung when George J. Kerr was brought into court, and by advice of his counsel, John W. Harding, pleaded guilty to the indictment for assault.

McAlister, Death, Campbell and Kerr will be sentenced to-morrow morning.

The Judge's remarkable statement forecasts that all the prisoners except Kerr will receive the extreme penalty for murder in the second degree.

The penalty is thirty years' imprisonment at hard labor.

It is believed that Kerr will be sentenced to the full penalty on the charge to which he pleaded guilty.

The plea of Kerr was accepted by the prosecutor. This means that the indictment for murder against Kerr will not be prosecuted.

Lawyer Harding explained to the Court that he entered the plea because it would be useless for him to contest. The present temper of the community would make it impossible to secure an unbiased jury.

The extreme penalty for assault is fifteen years in the State Prison and a fine of \$1,000.

County Prosecutor Emley said that while he had made every preparation to place Kerr on trial on the indictment found against him, he felt inclined to accept the plea of guilty.

He reached this decision in view of the statement made by counsel as to Kerr's connection with the girl's death, which seemed to be corroborated by the general facts of the case.

Campbell's sister is circulating a petition which will be presented to Judge